

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Jean-Noel THOREL

Group Art Unit: 1655

Application No.: 10/006,389

Examiner: S. HOFFMAN

Filed: December 10, 2001

Docket No.: 108961.01

For: COSMETIC PRODUCTS COMPATIBLE WITH CUTANEOUS ECOLOGY AND
METHODS FOR THEIR USE

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the February 19, 2008 Election of Species Requirement, Applicant provisionally elects as biodermal constituents combinations that comprise water and triglycerides, with traverse. Claims 1-3, 5, 7-8, 10-13, 16, 18-23, and 29 read on the elected species, and at least claim 1 is generic to all species.


It is also respectfully submitted that the subject matter of all species is sufficiently related that a thorough search for the subject matter of any one species would encompass a search for the subject matter of the remaining species. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid

unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Applicants further understand, however, that upon search, examination, and allowance of the elected species, search and examination will continue as to the non-elected species within the scope of the generic claims.

Thus, withdrawal of the Election of Species Requirement is respectfully requested.

Respectfully submitted,


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Date: April 29, 2008

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